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22 UNITED STATES DISTRICT COURT

23 EASTERN DISTRICT OF CALIFORNIA - FRESNO

24 ANTHONY LUCKEY,
25 Plaintiff,
v.
CITY OF PORTERVILLE and BRUCE
SOKOLOFF,
Defendant.

Case No.: 1:23-cv-00551 ADA BAM

Complaint Filed: April 7, 2023

**SECOND JOINT STIPULATION AND
[PROPOSED] ORDER TO FILE FIRST
AMENDED COMPLAINT WITH RESPONSE
THERETO, TO CONTINUE SCHEDULING
CONFERENCE AND TO CONTINUE LAST
DATE TO FILE JOINT SCHEDULING
REPORT**

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22 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
23 Plaintiff ANTHONY LUCKEY (“Plaintiff”) and Defendants CITY OF PORTERVILLE and
24 BRUCE SOKOLOFF (collectively referred to as “Defendants”), hereby stipulate to the
25 following:

26 WHEREAS, Plaintiff filed his Complaint (“Complaint”) with this Court on April 7, 2023;

27 WHEREAS, Defendants agreed to waive formal service of Summons;

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1 WHEREAS, following review and evaluation of Plaintiff's Complaint by defense counsel,
2 the respective counsel for the parties engaged in meet and confer communications;

3 WHEREAS, Plaintiff's counsel requested the opportunity to file a First Amended
4 Complaint; and

5 WHEREAS, defense counsel agreed to Plaintiff's request to file a First Amended
6 Complaint;

7 WHEREAS, counsel for Plaintiff and Defendants agreed to continue the date for filing the
8 Joint Scheduling Report and date set for the Scheduling Conference in light of the extended time
9 for the parties to file pleadings;

10 WHEREAS, the Court granted the parties' request;

11 WHEREAS, Plaintiff's counsel recently suffered a serious health issue, which required
12 hospitalization;

13 WHEREAS, counsel for Defendants graciously have agreed to further extensions of the
14 deadlines previously agreed to and approved by the Court, as set forth below;

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the parties to this suit,
16 by and through their counsel of record, as follows:

17 1. Plaintiff will file a First Amended Complaint on or before August 2, 2023;

18 2. Defendants will file a responsive pleading within 21 days of service of the First
19 Amended Complaint, or if Plaintiff does not file a First Amended Complaint by August 2, 2023,
20 Defendants will file a responsive pleading on or before August 23, 2023;

21 3. The parties stipulate and respectfully request that the court continue the
22 Scheduling Conference from August 25, 2023 to September 22, 2023, or such other date as is
23 convenient for the Court; and

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4. The parties stipulate and respectfully request that the Court continue the current last day to file the Joint Scheduling report from August 18, 2023 to September 15, 2023, or such other date reflective of the continued Scheduling Conference.

Dated: July 19, 2023

LIEBERT CASSIDY WHITMORE

By: /s/ Sue Ann Renfro

Jesse J. Maddox
Sue Ann Renfro
Attorneys for Defendants CITY OF
PORTERVILLE and BRUCE
SOKOLOFF

Dated: July 19, 2023

LAW OFFICES OF LAWRENCE J. KING

By: /s/ *Lawrence J. King*

Lawrence J. King
Attorneys for Plaintiff ANTHONY
LUCKEY

Liebert Cassidy Whitmore
A Professional Law Corporation
55250 North Palm Ave, Suite 310
Fresno, California 93704

ORDER

IT IS HEREBY ORDERED THAT:

1. Plaintiff is granted leave to file a First Amended Complaint on or before August 2, 2023;

2. Defendants will file a responsive pleading within 21 days of service of the First Amended Complaint, or if Plaintiff does not file a First Amended Complaint by August 2, 2023, Defendants will file a responsive pleading on or before August 23, 2023;

3. The Scheduling Conference scheduled for September 7, 2023, is hereby continued to **September 27, 2023, at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge**

Barbara A. McAuliffe; and

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from August 31, 2023 to September 20, 2023.

IT IS SO ORDERED.

Dated: July 21, 2023

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE